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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
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PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

KARL L. GINTER, VICTOR H. SHEAR, FRANCES J. SPAHN, and DAVID M. VAN WIE,
Junior Party
(Application 09/411,205)

v.

GREG BENSON, GREGORY H. URICH, and CHRISTOPHER L. KNAUFT
(Patent 5,845,281; Applications 09/164,606 and 09/321,386)

Patent Interference No. 105,142

MARTIN, LEE, and MEDLEY, Administrative Patent Judges.

MARTIN, Administrative Patent Judge.

AMENDED JUDGMENT – Bd. Rule 127

The “Judgment – Bd. R. 127” entered December 28, 2005, is hereby withdrawn and replaced by this Amended Judgment, which differs from the initial judgment by additionally entering judgment against the involved claims of party Benson on the ground of inequitable conduct for the reasons given in the “Decision – Motions – Bd. R. 125(a)” entered September 13, 2005. The times for requesting rehearing or seeking judicial review of the “Decision – Motions –

Bd. R. 125(a)" entered September 13, 2005, and the "Decision on Priority" entered December 28, 2005, run from the entry date of this Amended Judgment.

For the reasons given in the "Decision on Priority" entered December 28, 2005, it is hereby

ORDERED that judgment on the issue of priority is entered against party KARL L. GINTER, VICTOR H. SHEAR, FRANCES J. SPAHN, and DAVID M. VAN WIE as to each of Counts 1, 2, and 4;

FURTHER ORDERED that party KARL L. GINTER, VICTOR H. SHEAR, FRANCES J. SPAHN, and DAVID M. VAN WIE is not entitled to a patent containing any of its claims which are designated as corresponding to Count 1 (i.e., Claims 91-93, 95-102, 105-109, 112-119, 120-122, 124-131, 134-138, and 141-148 of involved Application 09/411,205);

FURTHER ORDERED that party KARL L. GINTER, VICTOR H. SHEAR, FRANCES J. SPAHN, and DAVID M. VAN WIE is not entitled to a patent containing any of its claims which are designated as corresponding to Count 2 (i.e., Claims 94, 103, 104, 123, 132, and 133 of involved Application 09/411,205); and

FURTHER ORDERED that party KARL L. GINTER, VICTOR H. SHEAR, FRANCES J. SPAHN, and DAVID M. VAN WIE is not entitled to a patent containing any of its claims which are designated as corresponding to Count 4 (i.e., Claims 110, 111, 139, and 140 of involved Application 09/411,205).

For the reasons given in the "Decision – Motion – Bd. R. 125(a)" entered September 13, 2005, it is hereby

ORDERED that judgment on the ground of inequitable conduct is entered against party GREG BENSON, GREGORY H. URICH, and CHRISTOPHER L. KNAUFT as to all of its claims which are designated as corresponding to any of Counts 1, 2, and 4.

FURTHER ORDERED that party GREG BENSON, GREGORY H. URICH, and CHRISTOPHER L. KNAUFT is not entitled to claims 1-29 of its Patent 5,845,281;

FURTHER ORDERED that party GREG BENSON, GREGORY H. URICH, and CHRISTOPHER L. KNAUFT is not entitled to a patent containing claims 30-53 and 55-69 of its Application 09/164,606; and

FURTHER ORDERED that party GREG BENSON, GREGORY H. URICH, and CHRISTOPHER L. KNAUFT is not entitled to a patent containing claims 1-24 and 27-53 of its Application 09/321,386.

It is FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and Board Rule 205; and

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STILL FURTHER ORDERED that a copy of this Amended Judgment be filed in the
involved applications and patent of the parties.

)	
<u>/ss/ John C. Martin</u>)
JOHN C. MARTIN)
Administrative Patent Judge)
)	
)	
<u>/ss/ Jameson Lee</u>)
JAMESON LEE)
Administrative Patent Judge)
)	BOARD OF PATENT
)	APPEALS AND
)	INTERFERENCES
<u>/ss/ Sally C. Medley</u>)
SALLY C. MEDLEY)
Administrative Patent Judge)
)	

JCM/jcm

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Ginter v. Benson

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